

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

FEDERAL DEPOSIT INSURANCE  
CORPORATION,

Plaintiff,

VS.

JOHN D. CHANEY, *et al.*,

Defendants.

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CIVIL ACTION NO. H-92-3759

**ORDER**

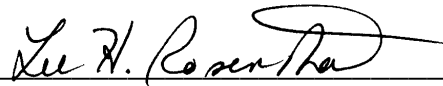
The FDIC moved to revive a judgment against defendant William Kenneth Davis, Jr. (Docket Entry No. 95). This court ordered the FDIC to effect service under the applicable rules, which had not been done. In compliance with this court's order, the FDIC did attempt to have the defendant served but was not able to locate the defendant to effect service and the papers the process service attempted to serve did not conform to the court's order. The FDIC moved for default judgment, asserting that its efforts to serve Davis have been unsuccessful because there is no available valid address for him. Alternatively, the FDIC moves to have the time extended to permit substituted service. (Docket Entry No. 104). The FDIC also moved for leave to withdraw its prior motion to revive judgment, without prejudice, or to extend the time for service. (Docket Entry No. 105).

This court grants the FDIC's motion for extension of time and the motion for substituted service. A motion to withdraw the motion to revive the judgment was previously

granted, (Docket Entry No. 102). The motion for default, (Docket Entry No. 104), is denied as moot.

No later than **January 5, 2007**, the FDIC must refile its motion to revive judgment with proof of substituted service.

SIGNED on November 6, 2006, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", written over a horizontal line.

Lee H. Rosenthal  
United States District Judge